1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 10 AT TACOMA 11 DONALD LYLE STRATTON, 12 Petitioner, Case No. C08-5311RJB/JKA 13 v. ORDER TO AMEND 14 STATE OF WASHINGTON OR CHANGE CASE CAPTION 15 Respondent. 16 17 This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant 18 to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 19 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1). 20 The court has reviewed the petition prior to service. Mr. Stratton names the State of 21 Washington as the only respondent. Mr. Stratton is incarcerated and should have named the 22 superintendent of the facility where he is currently housed. 23 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of the 24 person detained." This person typically is the superintendent of the facility in which the petitioner is 25 incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal 26 jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). 27 28 **ORDER** 

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Petitioner is ordered to file an amended petition naming the proper respondent, or file a motion to change the case caption. The new petition or motion must be filed on of before July 18, **2008** or the court will recommend dismissal of this petition on jurisdictional grounds. The clerk is ordered to send copies of this order to the petitioner. DATED this 16 day of June, 2008. /S/ J. Kelley Arnold J. Kelley Arnold United States Magistrate Judge **ORDER**